

CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES

7:30 PM August 13, 2020
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott and Nikki Turner, Diane Veltkamp and Gerald Veltkamp

Absent with notice: Bryan Korthuis

Staff Present: Gudde, Planning Director, Samec, City Planner

3. APPROVAL OF MINUTES

A. July 9, 2020

Faber motioned to approve the July 9, 2020, Planning Commission Minutes as submitted. Seconded by Scott and the motion passed 5-0.

4. DECLARATION OF CONFLICT

None of the Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARINGS - Quasi-Judicial Item

A. RZ #20-01, Lions Gate, 1990 Main Street, Lynden

D. Veltkamp opened the public hearing.

Gudde addressed the Commission and referred to her Executive Summary for the proposed rezone. The proposed rezone is requesting a new zone designation of RMD – Residential Mixed Density for the entire 21.83 acre property. RMD zoning is intended to provide a zone which supports a variety of single-family housing types within a single neighborhood. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center.

Running concurrently with the site-specific rezone request is a request to subdivide the Property with a master planned residential development (MPRD). The intent of the MPRD request is to allow for additional variety in single family housing types and street layouts.

The applicant is approaching the MPRD in two steps. The first is to bring the concept for the development forward with the rezone request. Later, with approval of the concept in hand,

the applicant would propose specific development standards and a development contract for the MPRD.

Proposed parcels within this development range in size from 8,000 square feet to as small as 3,000 square feet. These are designed to accommodate a range of housing types including traditional single-family homes, paired (zero lot line homes) or cottages on small lots, and duplexes. No lots have been proposed for development with more than two attached units, either duplex or zero lot line. Based on preliminary design concepts the Property is anticipated to accommodate approximately 135 residential units.

Speaking in Favor:

Ali Taysi, AVT Consulting LLC, Agent, 1708 F Street, Bellingham
Taysi thanked both Staff and the Planning Commission.

Taysi stated that the proposed project is a site-specific rezone of the Property joined with a Master Planned Residential Development. The current zoning is RS-100. The proposed rezone would result in one new zone designation. A designation of RMD would be applied to entire property. The rezone proposal does not include the parcel of land recently created for the Ridnour Activities Center and that parcel would remain in current zoning, which is RS-100.

The retention of the RS-100 zoning for this parcel and the designation of RMD zoning adjacent to the existing neighborhood to the east will provide an appropriate transition in lot size and housing types. Lots in this area will range in size from 7,200 square feet to 8,000 square feet and would be developed with detached single-family residences. Lots in the west portion of the property would range in size from 3,000 square feet to 5,000 square feet and would be developed with either detached single-family residences or attached duplexes to fourplexes/zero lot line single-family residences.

Based on preliminary design concepts the property is anticipated to accommodate approximately 135 residential units. Under current zoning, the Property has a gross density of approximately 95 residential units. The rezone proposal therefore represents a increase in density of approximately 40 residential units. This increase in density will facilitate a more attainable housing product and price point for the residents of Lynden.

New public roads would be developed through the Property, with primary access to the new development from an existing curb cut on Main Street and secondary access via a connection to 19th Street. The road network would be designed to direct primary traffic away from 19th Street via a divided boulevard curving to the west internal to the site. Lots would be served by this main road, new internal loop roads, and/or alleys allowing for rear yard garages.

Open spaces, improved park facilities, and trails would be developed throughout the new community, connecting from existing public pedestrian facilities on Main Street and 19th

Street, and also to the northeast corner of the Property, facilitating future trail connection to areas north of the property.

Water and sewer utilities and storm water facilities would be developed within the Property to serve all new development. Storm water facilities would be designed to meet applicable State Department of Ecology regulations, already adopted by the City of Lynden.

Future traffic impacts would be analyzed at the time of development with a Traffic Impact Analysis prepared by a qualified civil engineering company. Any mitigating measures, including public road improvements if necessary, would be implemented during project development.

A buffer along the Guide Meridian is proposed in order to protect the existing stream/ditch that runs parallel to the Guide. This buffer will be enhanced with native plantings to provide a visual screen from the Guide for new residents.

The plans provided for this project are conceptual in nature, however they do reflect the proposed layout of lots, roads, utilities, open spaces and other features. The applicants engaged with a professional design firm during the summer of 2019 and conducted a design charette that involved members of the community, local designers, local builders, developers, real estate agents and other interested parties from Lynden. The result of this design charette informed the conceptual site layout, lot sizes, and housing types proposed.

The street grid, open spaces, utility planning, lot sizes, and lot layout are designed to meet applicable City of Lynden standards, except where the MPRD/PRD process is being utilized to vary from standards.

This proposed rezone would help to accommodate Lynden's demand for new residential units, with smaller lot and home sizes, which will facilitate a more attainable price point for residents. The design is respectful of adjacent development, including a transition from a major arterial, Guide Meridian, to a higher density single-family attached and single-family detached use, to medium density single-family, and then to the existing large lot single-family residential development to the east.

The Lions Gate Group has worked on a lot of projects in Whatcom County. The goal of this project is to increase unit density and to provide a range of houses and lot sizes that is manageable for Lynden residents. This will help to serve a housing need in Lynden. Right now, it is difficult for the work force population (young families, retired parents, retail jobs etc.) to manage housing costs. These populations are definitely under served for what can be afforded in Lynden. It is important to understand that market rate affordability is not subsidized or low-income housing. These are costs that are manageable (roughly 30% of the average income income.) The City can help to achieve this goal by allowing various housing options that residents can afford.

There is a different feel to this project than the last proposal. In addition to the community meeting and design charette, the Development Team took into consideration the neighborhoods past concerns as well as the comments from the Planning Commission and staff to design, what the team feels is a very good submittal.

Taysi stated that the Commission must review the Comp Plan for consistency as well as the criteria for site specific rezones and the PRD code. Taysi stated that he is confident that the proposed development meets the criteria in which the Commissions decision should be based on.

Taysi also addressed the neighbors concern regarding a “bait and switch” style project. Taysi wants to assure the community that this will not happen. That is not what the project or the team is about. Again, this in a MPRD concept. The 2nd phase of the project will come back to the Planning Commission for approval. There will be opportunities for adjustments at that point.

Taysi addressed traffic concerns.

Taysi also addressed concerns related to stormwater issues.

Mike Bratt, Civil Engineer, Freeland and Associates, 220 W Champion Street, Bellingham

Bratt stated that the current 2012 DOE Stormwater manual will be followed. The developments Geo Technical results show a decently sandy soil with a fairly highwater table. Preliminary review indicates that rain gardens and or infiltration will not be feasible which means that a conventional detention system will be required (essentially a large underground pond.) There will be mitigation and protections in place to protect the property from overland flow. To help with overland flow, an interceptor ditch could be installed at the north property line and routed to the ditch in the Guide Meridian. Taysi sated, if designed and managed correctly, there will be no impact to the neighborhood.

The current proposal will be a benefit to the City and enhance the quality and character of the neighborhood. The proposal has been developed with significant thought and care to the surrounding neighborhood. Concerns from the neighborhood were definitely addressed.

Faber thanked Ali for putting together a great proposal and for addressing the hot button issues. With regards to traffic concerns on Main Street, has there been any traffic studies completed to date and if not, when will that take place? Taysi replied that a full detailed traffic study provided by a third party will be a condition of the second phase of the MPRD which will come back tin the future to the Planning Commission.

Faber asked what the rational to request 4-plexes was? Taysi replied, during review we realized that the buffer required along that area may extend further which would require the two duplex units to be pushed together. The preference is to construct duplexes, however, if the circumstances with the buffer do in fact exist we would like to reserve the option for a 4-plex.

Scott stated that this is an excellent proposal, however, has a bit of concerns with allowing 4-plexes.

D. Veltkamp stated that there were several comments received from the public regarding this request. Letters are in the file and names are listed here: Duana Adams, Judy Harmon Smith, Amy Hoover, Luke Wyatt (in opposition) and Murray Wood (in Favor)

Speaking in Opposition:

Fred Likkle, 949 19th Street, Lynden

Likkle has lived in Lynden for 30 years. Appreciative to hear that many of the concerns have been addressed, however, still in opposition. Many concerns about drainage. This is a very critical / sensitive area that has several 100 of acres draining to it. Challenges are far more than just housing in this area. There are also major habitat and agriculture issues. Encourage the applicants to study the area well before the proceed.

Luke Wyatt 836 19th Street, Lynden

Appreciate Taysi and the teams plan and comments. The buffer is a big improvement from what was seen earlier, thank you. The flooding and traffic in the area is a big concern of everyone in the neighborhood that will hopefully be addressed. Wyatt is concerned with the potential for increased traffic on 19th as well Main Street as it is currently not the best intersection.

Stephanie Rodgers, 1314 West View Place, Lynden

Rodgers is opposed to the proposal. Concerned with the enormous traffic and potential for flooding that this development will be create. Urge the Commission to vote no.

Mrs. Jerry Adams, 860 19th Street. Lynden

Not opposed to residential development, however, very concerned with the potential for flooding. Traffic is also a big concern and needs to be addressed. Adams feel that a lot more people would have participated if the meeting was held outside in the park. Please consider voting in opposition until the project is more settled.

Taysi appreciates the comments that were made. We recognize that traffic and stormwater issues are big. The team does understand the habitat value of the creek / ditch. A biologist is on board. The buffer will be enhanced and will contribute the health of the stream. This project will be subject to more strict standards than those in the past. The bar is set very high.

Taysi also noted that preservation of ag land is very important. If land is not densified within cities, additional pressures on surrounding agriculture land will be felt. Doing more in the urban environments will help preserve the surrounding ag land.

Traffic and mitigation will be closely looked at throughout this project. Transportation is an important component of a development and a neighborhood.

Gudde asked about the lack of park land in the area and what is being proposed with this development. Taysi stated, this project proposes roughly 5000 square feet of open space in conjunction with a trail network from Main Street to the park then north to the northeast corner of the property. Gudde asked if the park would be open to the general public? Taysi stated that those details have not been settled. The intention at this time is that the trail will be used by the general public.

D Veltkamp had questions regarding the noted open spaces between the parcels along the Guide Meridian. Those areas appear to be backyards? Will those areas be used by everyone? Taysi stated that the lots in that area are quite large, however, the areas are designed to be used by the lot owners, not as general open space. Taysi stated that the map needs to be better clarified. The intent is not to build monstrosities on these large lots, however, to provide nice yards and outdoor spaces.

G Veltkamp stated that this is a big improvement from what has been presented in the past and appreciates the effort. G. Veltkamp would like to see a 60-foot ROW through the entire site. In addition, G. Veltkamp is not in favor of the potential for rental investments as it is not necessarily homeownership? A 4-plex is typically purchased for investment purposes. Concerned that this presents too many possibilities for investment properties.

Scott stated that what is appealing about the project is the concept that nice homes could be affordable by our next generation. I would be ideal to achieve the density that the city needs and would make homeownership possible for people who cannot afford a 500,000 home.

Turner asked for confirmation that there will be two entrances off of Main Street to the proposed development. Yes.

D Veltkamp addressed the request and stated that the current zoning of the property is RS-100 lot sizes which allows a minimum of 10,000 square foot lots. The applicants are requesting to rezone the property to RMD which allows lot sizes to 6000 then further requesting to reduce the lot sizes under a PRD to 3000 square feet. Veltkamp stated that the purpose of a PRD is to be creative and to have a wide variety of lots sizes. This proposal shows a lot of repetitive lots all in a row, with large chunks being sized and shaped the same. Was there any consideration given to a better mix of lot sizes, varieties and styles?

Taysi disagrees and stated that he feels that the proposal includes a wide range and variety of lots sizes and styles. The illustrative map shows several options. There are many, many people in Lynden that will never have the opportunity to purchase a home on a large lot. The community needs this type of development so that homes can be affordable. This is a very balanced mix of lots. Segregation should not happen in neighborhoods.

The Planning Commission also had discussions regarding:

- Individual fee lots vs. 4 plex units. There is concern for rental / investment properties instead of homeownership opportunities.
- Stormwater: The stormwater plan will be prepared by a professional engineer and must be approved by the City of Lynden prior to approval of construction plans. The plan will be strictly managed under the 2012 DOE Stormwater manual. The plan must also address any impacts from seasonal high groundwater.
- Streets/ROW widths 50' vs 60', and alley widths 20' vs 24' and shared driveways.
- Concerns regarding the 3000 square foot lot sizes.

Gudde reminded the Commission that this a MPRD concept. Projects specifics will be looked at during the second phase of the PRD, which will be in the form of a public hearing with the Planning Commission. At that time, more in-depth conversation can be had and conditions can be placed on the PRD. Gudde also noted that the Fire Department has looked at the concept plan and had no glaring concerns regarding street width or access.

The Commission had no further questions.

Scott motioned to close the public hearing. Seconded by Faber and the motion passed, 4-0.

Site-specific rezones should be reviewed in light of the City's Comprehensive planning goals. This includes increasing residential density throughout the City to an average of 5 units per acre. The housing element of the Comprehensive Plan also calls for a variety of housing types including those aimed at providing first time home buyer opportunities. Care should also be taken to consider and provide mitigation for potential impacts to the surrounding properties and the City as a whole. To grant this request, the Planning Commission must find that the application satisfies the criteria listed within LMC Section 17.09.050:

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; and
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s); and
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and

- e. The proposed site-specific rezone will promote the health, safety, and general welfare of the community.

The Commission agreed that they were satisfied with the comments from the proponents regarding the 5 criteria. All requirements were appropriately documented for the rezone request.

Faber motioned to recommend to the Council the approval of the Lions Gate Rezone #20-01, subject to the conditions of the Technical Review Committee Report dated August 4, 2020. Seconded by Scott, and the motion passed 4-0.

B. MPRD Concept #20-01, Lions Gate, 1990 Main Street, Lynden

Veltkamp opened the public hearing.

Gudde stated that the primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards. The overall intent of the Lions Gate MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010.

Generally, the project provides a desirable mix of housing types. This facilitates a variety not typically available under conventional zoning methods and serves to meet the housing needs of the Lynden community.

The Commission asked what is the line between the MPRD “concept” and the actual MPRD? How binding is the “concept” if we approve it tonight? Gudde would have the expectation that the applicant would not come back with additional unit counts and or access points.

There was discussion regarding the concern for fourplex units. The Commission is not completely opposed to the idea, however as mentioned during the rezone hearing, is concerned with the possibility of rental properties. Gudde stated that the City does not have criteria to avoid rentals.

D Veltkamp also noted her concern with no maximum lot coverage specified for the development. Gudde replied that a more detailed review takes place during the second phase of the MPRD. At that time, a condition could be placed that would add a maximum lot coverage.

The Commission asked if there were design examples available for the proposed homes and asked if one builder or several would do the build out? Taysi replied, that it is likely that more than one builder will build these homes. Ali can provide some design examples at the next hearing.

Veltkamp questioned whether or not the Commission should table the hearing so that the proponents can rework some of the issues / concerns noted this evening and come back at a later date? Gudde replied, that the intent of a two-step process is that the concept is approved and then the details be ironed out in the second phased. Gudde would recommend that the Commission make a recommendation to Council this evening.

Veltkamp stated that the Commission has never seen a two-step MPRD process so this is new to us and we want to make sure we do it correctly. This proposal is a “pilot” development. There are many alterations being asked for and the Commission does not take it lightly. We have standards for a reason.

Scott motioned to close the public hearing. Seconded by Faber and the motion passed, 5-0.

Planning Commission Discussion:

- 50 vs 60 ROW
Fire and Public Works have looked at it and are fine with the request. There is parking on one side, not both so that does provide better circulation. 50 is okay.
- 5000 – 3000 square foot lot sizes
Is there a happy medium to propose that 4000 square feet is the minimum lot size or to allow some at 3000 but not as many as proposed? Paired housing and town homes located on smaller lots should be on green spaces.
- 4 plex vs duplex:
Prefer to limit the amount of 4-plex units or require a max percentage. 4-plexes should be located on the Guide Meridian only.
- Clarify that that the noted open space between the duplex lots it is not actually open space, it is yard space.
- Critical Areas:
Mitigation along the Guide Meridian.
- Stormwater infiltration:
Faber feels comfortable, the manual is far superior to what any of the other lots or developments in the area have been designed to.
- Encourage lot lines for the northern and southern town home parcels and along the west as well. This will help with home ownership and detour the 1 building for multiple renters.

- Maximum lot coverages permitted within the development. The Commission is comfortable with looking at this during the second phase. The applicants can come back with percentages that they would hope the PC would be comfortable with.

Faber motioned to recommend to the Council the approval of the Lions Gate MRPD Concept #20-01, subject to the conditions of the Technical Review Committee Report dated August 4, 2020 and further subject to the following conditions:

- 1. That the maximum unit count be no more than 134 units.**
- 2. That paired housing lots be a minimum of 3000 square feet, single family detached lots a minimum of 4000 square feet and single family detached lots adjacent to green space be a minimum of 3500 square feet.**
- 3. That there be a variety of townhomes and 4-plex units with the 4-plex units being permitted along the Guide Meridian only.**
- 4. That the reference to open spaces between the duplex / 4-plex buildings along the west side of the development be removed and considered part of the lot.**
- 5. That zero lot lines be added to separate the townhome lots south along Main Street.**

Seconded by Scott, and the motion passed 4-0.

6. COMMISSIONERS CORNER

Brief discussion regarding Cedarbrook PRD meeting timeline. More details to come next week regarding setting a hearing dates.

7. ADJOURNMENT

Motion to adjourn by Scott / Second by Faber. Meeting adjourned at 10:25 pm.